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In re Application of
VONDEYN, Wolfgang et al.
Application No.: 10/580,700
PCT No.: PCT/EP2004/013685
Int. Filing Date: 02 December 2004
Priority Date: 04 December 2003
Docket No.: 13779-65
For: USE OF N-ARYLHYDRAZINE
DERIVATIVES FOR COMBATING
PESTS IN AND ON ANIMALS

DECISION
ON PETITION UNDER
37 CFR 1.181

This decision is in response to applicants' Request for Corrected Filing Receipt, filed in the United States Patent and Trademark Office on 17 October 2007.

BACKGROUND

On 25 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee.

On 17 January 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 15 March 2007, applicants responded to the Notification with a declaration of the inventors and a copy of a postcard receipt listing a declaration and date-stamped 25 May 2006.

On 31 July 2007, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) indicating that the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were satisfied on 15 March 2007 and that all of the 35 U.S.C. 371 requirements were satisfied on 15 March 2007.

On 17 October 2007, applicant filed the instant petition under 37 CFR 1.181 to correct the Notification of Acceptance and filing receipt.

DISCUSSION

Applicants have provided a copy of the declaration that applicants claim was submitted on 25 May 2006 and have provided a postcard receipt listing the declaration and identifying the above application. This is adequate evidence that the declaration was originally received on 25 May 2006.

However, a review of the declaration reveals it is not in compliance with 37 CFR 1.497(a)-(b). First, while it is acceptable for inventors to execute separate copies of the oath or declaration, each complete copy must be submitted to the Office. Separate copies may not be pieced together to create a single composite declaration. Second, the declaration bears non-dated, non-initialed alterations made in ink to the page numbers of the declaration. New oaths or declarations are required. MPEP 605.04(a).

CONCLUSION

For the reasons listed above, applicant's petition for a corrected Notice of Acceptance is **DISMISSED** without prejudice.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 31 July 2007 is **VACATED**.

A proper response in the form of an oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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